
Planning Statement

Llandarcy North Site Reservoir, Coed Darcy, Neath

Prepared by Savills on behalf of St. Modwen
Developments Ltd

Planning Statement

Llandarcy North Site Reservoir, Coed Darcy



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1. Introduction

- 1.1. This Statement has been prepared in support of the planning application submitted by Savills on behalf of St. Modwen Developments Ltd (hereafter referred to as 'the applicant'). The application is for the discontinuance of the North Site Reservoir (NSR) (hereafter referred to as 'the Project').
- 1.2. Land owned by Coombe Tennant Estate was leased to British Petroleum (BP) to enable the NSR to be formed. During operation of the Llandarcy Oil Refinery, the NSR is believed to have been used for storing process water and fire-fighting water. Since the refinery closed in 1998, the NSR has become redundant. St. Modwen acquired Llandarcy Oil Refinery from BP in 2008 and took over the tenancy agreement for the NSR.
- 1.3. The requirement to discontinue the reservoir is twofold. First, the reservoir has recently been classified as a 'Category B' reservoir. As a consequence, Natural Resource Wales (NRW) has set a series of improvement works that need to be undertaken by the applicant to the reservoir. There is a pressing need therefore to undertake works which would address the requirements of NRW.
- 1.4. Second, the applicant's lease agreement with the freehold landowner, Coombe Tennant Estate, has now expired. In handing the land back to the landowner, a requirement of the lease is to revert the land back to its original condition prior to the creation of the reservoir. It would be unnecessary and wasteful for St. Modwen Developments to undertake improvement works to the reservoir given their contractual obligation with the landowner. This is something that NRW understands and has accepted in agreeing to a programme of works for discontinuance of the reservoir as an alternative to the implementation of the improvement works.
- 1.5. It is proposed to return the land to the landowner in a similar condition prior to the construction of the NSR. The original landform is understood to have comprised open grassland with a stream flowing along the base of a shallow valley.
- 1.6. The works, which form the basis for the planning application, entail removing the earth embankment, re-forming the shallow valley and reinstating a central stream which will ultimately drain to Crymlyn Bog to the west of the Project. Once the programme of works has been undertaken, the re-profiled landform will be returned to grassland.

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- 1.7. This Statement provides comprehensive details of the application proposals, the context and history of the site, an overview of the national and local planning policy which is relevant to the determination of the planning application and a detailed analysis of the planning considerations. It concludes with an overview of the key issues and provides a summary of the principal benefits of the proposals.

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1.8. The Statement is structured as follows:

- Section 2: Site, Surroundings and Planning History
- Section 3: Pre-Application Consultation
- Section 4: Development Proposals
- Section 5: Planning Policy Context and Relevant Material Considerations
- Section 6: Planning Assessment
- Section 7: Summary and Conclusions

Planning Application Documentation

1.9. In addition to this Statement, the planning application is supported by a suite of technical studies in accordance with the LPA's validation checklist. These documents should be considered in conjunction with this Statement in order to provide a comprehensive understanding of the application and the benefits that the proposed development will deliver.

- Plans
 - Site Location Plan (ref: 001 – P0)
 - Pre Discontinuance Works (ref: 300 – P0)
 - Post Discontinuance Works (ref: 301 – P0)
 - Illustrative Landscape Strategy Plan (ref: SK919 – P01)
 - Bathymetric Survey (ref: 1068_500_1_Bathy)
- Pre-application Consultation Report (Not part of the PAC Submission);
- Design and Access Statement;
- Ecological Assessment (ref: 9011M.EcoAss.vf);
- Information to Enable a Habitat Regulations Assessment (ref: 9011M.NSR.HRA.vf);
- Phase 1 Geo-Environmental Desk Study (ref: 04020-PJA-23-XX-RP-R-0083);
- Flood Consequence Assessment (ref: 04020-R-01-A NSR FCA); and
- Construction and Environmental Management Plan (ref: 04020-PJA-23-XX-RP-R-0084).

2. Site, Surroundings & Planning History

Site Location & Context

- 2.1. The Project site, North Site Reservoir, extends to 10.21 hectares in area and is located to the west of the M4 and to the north of Coed Darcy. It is accessed off the B4290 via a single track road which runs parallel to the M4.
- 2.2. A branch railway line is located to the south west; beyond this is the Crymlyn Bog, which is a Ramsar Site, Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC), and National Nature Reserve (NNR).
- 2.3. A mixed use allocation at Coed Darcy is located to the east of the reservoir and beyond the railway line to the south. Residential housing is situated to the north above the level of the reservoir and the M4 motorway is to the east.
- 2.4. In accordance with the Council's LDP Interactive Policy Maps, the site is located in a Safeguarded Category 1 Sandstone Resource area and a Coastal Corridor Strategy Area.
- 2.5. There are no conservation areas, scheduled monuments or listed building within the Project site boundary. Less than 1km to the south-east of the Project site is William Knox House, designated by NPTCBC as a Locally Listed Building. Two designated sites have been identified 2.6km south-west of the Project site: the Llandarcy Workers Village Conservation Area and St. Margaret's Chapel Scheduled Ancient Monument.
- 2.6. The site is within Flood Zone 3 (which carries a high risk of flooding from surface water and small watercourses); this is due to the reservoir. The area directly to the west of the reservoir is at risk of flooding from the reservoir.
- 2.7. The Crymlyn Bog Ramsar Site, Special Area of Conservation (SAC), Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR) lie to the south-west of the Project site. The Pant-y-Sais SSSI is located approximately 2.2 km to the south of the site and the Earlswood Road Cutting and Ferryboat Inn Quarries SSSI is 2.25 km south-east. Within the 3.5 km radius of the Project site are the Crymlyn Bog and Pant y Sais NNR, Crymlyn Burrows SSSI, Six Pit, Swansea Vale and White Rock SSSI and the Glais Moraine SSSI.

Planning History

- 2.8. The LPA's website identifies one relevant planning application and an EIA screening opinion for the Project site. There are numerous applications for the adjacent, Coed Darcy Project site. These are detailed in the table below.
- 2.9. The proposed development has been the subject to an EIA Screening Request under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (Wales) (LPA Ref: P2023/0190). NPTCBC's

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Screening Opinion confirmed that the proposals do not constitute EIA development.

Application Site			
Reference	Description	Decision	Date
P2005/1088	Proposed making of a revocation of Hazardous Substances Consent Order.	Approved	07/07/2005
P2023/0190	Request for Screening Opinion under Regulation 6 of the Town and Country Planning (Environment Impact Assessment) (Wales) Regulations 2017 for proposed discontinuance of the North Site Reservoir and associated engineering works	Not EIA Development	28/03/2023

3. Pre-Application Consultation

Pre-Application

- 3.1. A pre-application request was submitted to NPTCBC in April 2022. This set out the background to the Project site, the proposals and the relevant planning policy. A meeting was held with officers in May 2022 following the submission of the pre-application request. A subsequent written response was received in July 2022, this confirmed that a full planning application would be required for the proposed works, and it set out the scope of information required to support the submission. Consideration has been given to this in the preparation of the planning application. Where the application proposals deviate from the scope of work this has been explained in the Planning Statement.

Pre-Application Consultation (PAC)

- 3.2. Since the Project is defined as a 'major development', s17 of the Planning (Wales) Act 2015 requires the applicant/developer to consult the community and the relevant statutory consultees in advance of the submission of a planning application. This process is known as Pre-Application Consultation (PAC) and requires consultation to last for a minimum of 28 days.
- 3.3. PAC will run from 26th May 2023 until 24th June 2023. Any comments received during this time will be reviewed and amendments made to the proposals where appropriate before the planning application is submitted.
- 3.4. The PAC documents will be available to view and download by visiting the following website:
https://sites.savills.com/LLandarcy_Reservoir/
- 3.5. Additionally, a hard copy of the PAC documents will be made available for public viewing at Skewen Library, Carnegie Hall, Evelyn Road, Skewen, Neath, SA10 6LH for the duration of the PAC period.
- 3.6. The planning application will be supported by a PAC Report which will fully explain the process and the outcomes as well as summarise the comments received.

4. Development Proposals

Description of Development

4.1. Planning permission is sought for the following development description:

‘Engineering operation involving the removal of the reservoir embankment, associated earthworks and land restoration to aid the discontinuance of the North Site Reservoir, reinstatement of the former watercourse and reversion of land back to its former use as grassland.’

Plans

4.2. The following plans are submitted for approval as part of this planning application:

- Site Location Plan (ref: 001 – P0)
- Bathymetric Survey (ref: 1068_500_1_Bathy)
- Pre Discontinuance Works (ref: 300 – P0)
- Post Discontinuance Works (ref: 301 – P0)

4.3. The additional plan is submitted for illustrative purposes only:

- Illustrative Landscape Strategy Plan (ref: SK919 – P01)

NRW Formal Discontinuance Procedure – Phased Approach

4.4. Full permission is sought for the engineering operations which will result in the discontinuance of the reservoir, removal of the embankment wall, reverting the land to its original condition prior to the creation of the reservoir and reinstatement of a watercourse channel to convey surface water through the site. The construction process is as follows:

Phase 1: Lowering of reservoir water level

4.5. The initial phase of the project consists of lowering the reservoir water level in advance of the initial discontinuance works in Phase 2. Lowering the reservoir water level would expose the silt within the reservoir basin and allow it to dry out. Suitable areas within the basin will be identified for sampling and laboratory testing, for the purpose of establishing if there are any hotspots of contaminated silt albeit that the bed of the NSR has already been the subject of historical decontamination works.

Phase 2: Silt Management in Advance of Full Discontinuance

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- 4.6. Phase 2 consists of a period of controlled management and potential removal of existing material in the reservoir basin should any hotspots be discovered and ensuring future surface water run off is of an acceptable standard to enter the Crymlyn Bog. During this stage, there would be a requirement for the applicant to control water levels via temporary pumps. The temporary pumps would be sited within the lagoon using submersible pumps suspended on a pontoon with level controls to ensure only water of an acceptable quality, and not silt, is pumped from the lagoon.

Phase 3: Creation of Water Conveyancing and Retention Features

- 4.7. Phase 3 comprises the works required to create a new watercourse channel to convey surface water through the site and a new temporary attenuation basis to store the water before it is pumped through the existing system into the existing agreed discharge point. The proposed watercourse reflects the alignment and functionality of the historic watercourse that traversed the former area of the NSR before discharging into the Crymlyn Bog via a pre-existing culvert beneath the railway line. Effectively, the works will reinstate the former route of this watercourse.
- 4.8. Through the construction process the water quality will be monitored. Only once the water monitoring indicates that the quality is appropriate will the reconnection with Crymlyn Bog be progressed as set out in Phase 5.

Phase 4: Final Removal of Embankment

- 4.9. The embankment structure would be removed, and the arisings will be distributed onto the north and south banks of the reservoir basin and used to raise the ground level around the edges of the former reservoir area. These areas will be returned to open grassland or left to naturally revegetate – see the Illustrative Landscape Plan.

Phase 5: Connection of the watercourse to the Crymlyn Bog

- 4.10. As the embankment has been removed, the watercourse constructed in Phase 3 will be extended and reconnected to the existing drainage channel to the south west of the embankment. The temporary attenuation feature will also be removed and the land reinstated to the levels shown on the Site Layout Plan.

5. Planning Policy Context & Relevant Material Considerations

- 5.1. This section of the statement details the most relevant national and local planning policy context for the site and proposed development. Relevant material considerations are also outlined below that should be considered in the determination of the application.

The Development Plan

- 5.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises of the following two documents:
- Future Wales: The National Plan 2040 - Welsh Government; and
 - Neath Port Talbot CBC Local Development Plan (LDP) – This document was adopted in 2016 and covers the period between 2011 and 2026.
- 5.3. Technical Advice Notes (TANs) and Supplementary Planning Guidance (SPGs) add further detailed content a range of issues and are relevant material considerations.

Future Wales

- 5.4. The Welsh Government has formally adopted Future Wales: The National Plan 2040 (Future Wales). Future Wales outlines the Welsh Government's strategies for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, delivering growth in the right areas, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of communities.
- 5.5. Future Wales sub-divides Wales into four regions with the Project site located within the South West Wales region. A total of 36 policies are contained within Future Wales of which 19 are thematic and the remainder relate to the four regions.
- 5.6. There is little direct relevance to this planning application in Future Wales, however it is noted that, Policy 9 (Resilient Ecological Networks and Green Infrastructure) seeks to ensure the enhancement of biodiversity, the resilience of ecosystems and the provision of green infrastructure. This should be achieved by identifying areas to be safeguarded, opportunities for maximising the value of existing green infrastructure and introducing new green infrastructure.

NPTCBC Local Development Plan (LDP) 2011-2026

- 5.7. The NPTCBC Local Development Plan (LDP) 2011-2026 was adopted in 2016. Key local planning policy

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considerations from the plan include the policies list below. However, these generally refer to development of the land whereas the proposals simply seek to return the land to its original condition prior to the creation of the reservoir, and so the planning policies are not entirely relevant.

5.8. The following policies are relevant to the determination of the planning application:

- Policy SP1: Climate Change
- Policy SP15: Biodiversity and Geodiversity
- Policy SP16: Environmental Protection
- Policy SP21: Built Environment and Historic Heritage
- Policy EN6: Important Biodiversity and Geodiversity Sites
- Policy EN7: Important Natural Features
- Policy EN8: Pollution and Land Stability
- Policy M1: Development in Mineral Safeguarding Areas

Material Considerations

5.9. There are a number of material considerations and guidance documents published by NPTCBC and the Welsh Ministers. Commentary on these documents is made where appropriate within this Statement, and the wider planning application documentation.

Technical Advice Note (TANs)

5.10. The Technical Advice Notes (TANs) supplement Future Wales. TANs provide supplementary policy principles and add more detailed content on how a range of issues might affect the development potential of the site. The following TANs are considered relevant to the proposals at the Project site:

- TAN 5: Nature Conservation and Planning (2009)
- TAN 15: Development, Flooding and Coastal Erosion (2004)

Supplementary Planning Guidance (SPGs)

5.11. Supplementary Planning Guidance (SPGs) will be taken into account as material considerations. Several SPGs have been produced by NPTCBC on various topics. The following is considered relevant to this proposal:

- Biodiversity & Geodiversity (2018)

Local Plan Update and Emerging Policy

5.12. The existing Local Development Plan was adopted in 2016 and in accordance with guidance, the four year full

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review of the plan commenced in January 2020 with the publication of the Draft Review Report. This Report provided an overview of the key issues to be considered when taking the existing LDP forward and set out areas where changes may be required.

- 5.13. The Draft Review Report was subject to a 6 week public consultation period from 3rd February to the 16th March 2020. The responses to the comments received were presented for consideration at a meeting of Full Council on 2nd July 2020; with members approving the final Review Report (July 2020) for publication.
- 5.14. The Delivery Agreement has been submitted to and approved by Welsh Government on 11th January 2022. It sets out a timetable for delivering the RLDP with Pre-deposit Participation and Preparation (Regulation 14) occurring between January 2022 and November 2023. The timeline in the Delivery Agreement for the adoption of the Replacement Development Plan is July 2025.
- 5.15. This planning application will therefore be determined on the basis of the current adopted policies of the LDP.

6. Planning Assessment

6.1. This section of the Planning Statement addresses the planning considerations relevant to the determination of this application. It is split into two sub-sections which address the following:

- The principle of development; and
- Development plan compliance.

The Principle of Development

6.2. There are no policies that pertain to the principle of the proposed development in the NPTCBC Development Plan and hence the principle must be considered on the basis of the material considerations.

6.3. Currently, the site is capable of holding circa 300,000 m³ of impounded water and is registered as a 'large reservoir' within the control of the Reservoirs Act 1975. As an operational reservoir, there are legal obligations in place to ensure appropriate maintenance and repair of the NSR. In order to comply with its legal obligations under the Reservoirs Act, improvement works are required to the reservoir.

6.4. The NSR has however become redundant and no longer serves any operational purpose. Rather than undertake improvement works, the landowner, St. Modwen proposes to remove the reservoir in its entirety thus satisfying their legal obligations under both the Reservoirs Act and the lease with the Coombe Tenant Estate.

6.5. In addition, there are strategic policies and objectives in the LDP which support the remediation and restoration of contaminated land. The application proposals will result in an improved land quality and remove a redundant structure.

6.6. Overall, whilst there is no explicit development plan support for the application proposals, there are a number of material benefits, the combination of which in our view justify the works proposed through this planning application.

Development Plan Compliance

Element	Policies	Compliance
Ecology	NPTCBC Local Plan: SP15, EN6 & EN7	The site has been subject to a number of ecological surveys by Ecology Solutions. These surveys included desk and field based evaluations to ascertain the general ecological value of the land contained within the boundaries of the site which are effected by the

	TAN 5	proposed development and to identify the main habitats and associated plant species in accordance with Policies EN6 and EN7. Careful consideration has also been given to the impacts of the proposed development on habitats beyond the site boundary especially the Crymlyn Bog. The need to maintain the conservation status of this important, protected habitat in the long-term has been critical in the development of the Strategic CEMP. Full details of the ecology assessment work are included in the 'Ecological Assessment' supporting document. Recommendations have been put forward within the 'Ecological Assessment' which will ensure the proposals fully safeguard the existing ecological interest of the site. These measures are captured on the methodology for the proposed development and on the Illustrative Landscape Plan submitted with the planning application. It is anticipated that a condition will be attached to the permission which requires the submission of a detailed Landscaping Scheme consistent with the illustrative plan.
Archaeology	NPTCBC Local Plan: SP21	Policy SP21 requires that development proposals safeguard features of historic and cultural importance. There are no heritage assets within or in close proximity to the site which would be impacted by the proposed development. Nevertheless, in the pre-application consultation response the Council queried the impact of the development on archaeology. Further consideration has been given to this, however, given the works involved in the creation of the reservoir in the first instance, it is extremely unlikely that there are any archaeological features remaining on site even if they existed in the first instance. On that basis, no archaeological assessment has been undertaken.
Landscape	NPTCBC Local Plan: Objective 15	The Site was previously open grassland with the area subdivided into separate fields. The reservoir was formed during the operation of the Llandarcy Oil Refinery but no longer serves an operational purpose. The land will be reverted back to grassland with a topography which reflects its original valley profile. On this basis the proposals are considered to be entirely appropriate for the site and surrounding area.

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		Therefore, the proposals accord with objective 15 through conserving the landscape and habitats. The pre-application response provided by the Council sought clarification on the connectivity of the landscape with the wider built environment. In particular it requested that <i>"harsh fencing or other unsightly security features"</i> is avoided. This is agreed and no such fencing is proposed as part of the application proposals. The response also encouraged the submission of a range of visual material to support the application. Some material has been provided with the application, however, due to the nature of the proposals and the contained visibility of the site, details are limited to the existing and proposed layouts and historic mapping contained in the Design & Access Statement. This level of information is considered sufficient to determine the planning application.
Flood Risk / Drainage	NPTCBC Local Plan: SP1 TAN 15	The application proposals do not include any form of development which is inherently vulnerable to flooding. There is no need therefore to consider flood risk in the same manner as would be required for a residential or commercial development for example. In accordance with Policy SP1, the only consideration relevant to this application is whether the development would result in an increase in surface water run off that would increase the risk of flooding off site. In answer to that question, the strategy aims to return the site to its pre-development state, with the flow of surface water naturally therefore mimicking greenfield run off rates. In accordance with Policy SP1, the proposals therefore avoid any unnecessary flood risk and meet the requirements of TAN-15 (2004). This is evidenced in the Flood Consequence Assessment submitted with the application.
Ground Conditions	NPTCBC Local Plan: SP16 & EN8	Policies SP16 and EN8 establish the broad principles that (a) environmental conditions should be protected and, where feasible improved, through development, and (b) that development should not result in adverse effects on health, biodiversity and/or local amenity. The proposed development involves the restoration of a considerable area of land which sits at the base of the reservoir. In so doing it will

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		improve environmental conditions on the site generally in accordance with Policy SP16. The restoration of the site and the installation of mitigation measures will ensure that the surface water passing through the site and into the Crymlyn Bog is of an appropriate quality. As part of this monitoring of the surface water quality will be undertaken throughout the course of the development process to identify trends over time. Only once the water is of an acceptable quality will the hydrological link through the Crymlyn Bog be reinstated.
Minerals Safeguarding	NPTCBC Local Plan: M1	Policy M1 seeks to safeguard land for future mineral extraction. The proposals involve the returning the land to open grassland and they will not therefore result in the sterilisation of mineral resources in the future. On the contrary, the act of removal of the reservoir which represents a significant constraint to possible future mineral working would enhance the opportunity to extract minerals if it was deemed appropriate and viable in the future.
Waste	NPTCBC Local Plan: SP19, W3	The principal engineering operation associated with the works is the removal of the embankment wall and earth embankment, the arisings from which will be spread over the land as shown on the Proposed Layout Plan and Site Sections. Beyond this, although waste from the site will be limited, a Construction Environmental Management Plan (CEMP) will be prepared at the appropriate time to manage waste generated through the construction process.

7. Summary & Conclusions

- 7.1. Delivery of these application proposals is an important step in the restoration of the Llandarcy Oil Refinery site. The reservoir was created at the time of the oil refinery and its role was intrinsically linked to the operation of the refinery. Since the cessation of the refinery the reservoir has therefore been redundant and served no functional purpose. A long-term solution is required which removes the reservoir structures and returns the land to its pre-existing condition.
- 7.2. The reservoir is in an environmentally sensitive location and it is not possible therefore to simply drain the reservoir and remove the embankment. A phased development process is therefore required which facilitates the review of silt beneath the historic waterline of the reservoir, and where necessary its localised removal, before the ground remodeling reinstates a watercourse through the site which connects into the existing channel to the south west.
- 7.3. The application and the supporting application documentation demonstrate that the application proposals will achieve this important step in restoring the land to its former state whilst protecting the sensitive environment beyond the site boundary.
- 7.4. The LDP is silent on the principle of development proposed through this application. However, for the reasons explained above and the long-term public benefits of the development we consider it should be supported. The application proposals are also consistent with the relevant policies of the LDP. Overall therefore the development is consistent with the development plan and, in accordance with Section 38(6) we consider that planning permission should be granted.